

WILBERT TURNER

NAPHCARE, DR. ROBERT BEAUDOIN, C/O MICHAEL ROSE
C/O GRIFFIN, AND NARDEN L. N'DIAYE

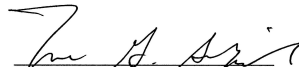
Motion DENIED without prejudice to renewal. The parties may not file summary judgment motions until after discovery. The parties are currently in the middle of discovery.

When Plaintiff is assigned a pro bono attorney for settlement, the attorney will contact Plaintiff.

Because the Clerk of Court is not mailing orders at this time, due to the public health emergency, the Federal Defendants are respectfully directed to mail a copy of this Order and the Orders at Dkt. No. 68 and 69 to Plaintiff.

The Clerk of Court is respectfully directed to provide an update on the Court's request for pro bono counsel assignment at Dkt. No. 63.

Dated: March 23, 2020
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

19 CV-00412 (LGS)

A Summary Judgement under
E OF Civil procedure 56 (c)

for Summary Judgement against

NAPHCARE WAS NEGLIGENT IN THE
HEALTH CARE PROVIDER FOR THE

PLAINTIFF WILBERT TURNER WAS TRANSFERRED

15 20 FROM NAPHCARE TO MCCC FOR BCG THERAPY AFTER BEING
diagnose with bladder cancer December 2017.

Naphcare is contracted by B.O.P. to make all appointments for the Metropolitan Correctional Center inmates for outside hospital trips

May 9th 2018 Naphcare scheduled an appointment with Kingsbrook and Jewish Medical Center. The urologist told Naphcare BCG therapy is not offered there,

HOWEVER FOR SOME UNKNOWN REASONS MAY 16th 2018 Naphcare schedule another appointment for Kingsbrook Jewish oncology department, which prompted the doctor to call Dr Beaudoin and inform him personally that BCG therapy is not offered at this facility, they need to find an appropriate hospital. Did they check before wasting time? Brooklyn Hospital.

JUNE 28th 2018 PLAINTIFF WAS SEEN AT Brooklyn

②

HOSPITAL urology department with NO MEDICAL RECORDS FROM prior ENCOUNTERS. DR Robert Beaudouin gave NAPHCARE ALL my MEDICAL RECORDS FROM Westchester County Jail and WESTCHESTER medical center. THESE RECORDS INCLUDE Cystoscopy, Biopsy and PATHOLOGIST RESULTS. THESE RECORDS INCLUDE THE RECOMMENDATION OF DR Sean Fullerton MD urologist. THE CONSULT NOTES generated JUNE 28th 2020 gave SPECIFIC INSTRUCTION FOR patient TO return WITH ALL prior medical records. THEY REQUESTED A NEW CT SCAN and Cardiac clearance.

NAPHCARE deliberately impede the progress of Treatment by NOT sending writer medical records FROM Westchester Health Center, THEN scheduled the CT SCAN and Cardiac clearance TEST AT Kingsbrook Jewish Methodist CENTER.

THE NEXT urologist CONSULTATION WITH P.A. Deborah Dyedji. SHE COMPLAINED ABOUT THESE DELAYS. SHE QUESTIONED WHY THE CT SCAN and THE Cardiac clearance WAS DONE AT KBJC WHICH IT TOOK 6 WEEKS TO GET THE RESULTS, WHEN IF IT WAS DONE AT BROOKLYN HOSPITAL THE RESULTS WOULD BE AVAILABLE IN 15 MINS. THIS WAS ANOTHER UNNECESSARY DELAY. WAS THIS COST OVER patients care and LIFE?

10/28/2018 ANOTHER VISIT TO BROOKLYN HOSPITAL NO MEDICAL RECORDS. THIS LED TO BROOKLYN HOSPITAL NEEDING TO DO THEIR OWN INDEPENDENT DIAGNOSIS BECAUSE NAPHCARE REFUSES TO MAKE THEM AVAILABLE TO BROOKLYN HOSPITAL. A NEW Cystoscopy AND Biopsy WAS NEEDED BECAUSE OF NAPHCARE.

11/29/2018. DURING CONSULTATION WITH P.A. D. Dyedji SHE TOLD ME "MY OPTION WAS Cystectomy" I TOLD HER "NO". "I'M HERE FOR BCG Therapy WHEN DID WE GET TO removing my Bladder."

I THEN QUESTIONED THE AVAILABILITY OF BCG THERAPY HERE, HIS ANSWERS WERE EVASIVE AND VAGUE IN NATURE NEITHER A YES OR NO.

THAT NIGHT AFTER THE CONSULTATION I ENGAGED THREE INDEPENDENT OUTSIDE SOURCES TO INQUIRE INTO THE AVAILABILITY OF BCG THERAPY AT BROOKLYN HOSPITAL. ALL THREE INDEPENDENT SOURCES RETURNED THE ^{SAME} ANSWER, IT WAS NOT OFFERED. THIS IS THE REASON DR BEAUDOUIN IS ALSO NEGLIGENT DR SEAN FULLERTON KNEW THERE IS A SHORTAGE OF THIS TREATMENT AND HE MADE SURE IT WAS AVAILABLE AND THE SITE, MOUNT VERNON HOSPITAL BEFORE RECOMMENDING THE TREATMENT. DR. BEAUDOUIN WAS VERY MUCH COGNIZANT OF THIS.

THIS IS DECEPTIVE, WHILE I'M AT THE JAIL CONVERSATING WITH DR BEAUDOUIN ABOUT 6 (SIX) SIMPLE OUTPATIENT TREATMENT OF BCG THERAPY, NAPHKARE HAD OTHER PLANS WITHOUT MY KNOWLEDGE AND CONSENT ^{TO} ERADICATE THE BLADDER.

DECEMBER 1ST 2018 I SPOKE DIRECTLY TO DR BEAUDOUIN ABOUT THIS ABRUPT CHANGE OF PLANS, HE WAS OF THE IMPRESSION THAT I WAS GOING TO BROOKLYN HOSPITAL FOR BCG THERAPY, HE ALSO HAD NO KNOWLEDGE OF THE CYSTECTOMY UNTIL I REFUSED.

THIS MAYBE THE REASON NAPHKARE DELIBERATELY DENIED GIVING THEM THE MEDICAL RECORDS FROM WESTCHESTER COUNTY MEDICAL CENTER.

THE ACTIONS OF NAPHKARE IS PREMEDITATED, UNJUST, AND CRUEL.

BETWEEN APRIL ~~2018~~ 2018 AND OCTOBER 2018 I'D FEW APPOINTMENTS WHICH WAS CHAOTIC IN NATURE, NOTHING COORDINATED. LATE OCTOBER OF 2018 DURING PRE-TRIAL CONFERENCE I COMPLAINED TO JUDGE KARAS ABOUT THE LACK OF TREATMENT.

Judge K. Karas requested that The U.S. Attorney's Office intervene on my behalf and to update him weekly on my medical care at M.C.C. NOT being satisfied with The U.S. Attorney's vague answers, The Judge had two conference calls with Dr. Beaudouin.

Between November 7th 2018 and January 2019, A CT scan, Cardiac test, Cystoscopy, Biopsy, and a botch Colonoscopy was done. 9 outside trips to outside hospitals in that period. I thought things was going great.

When ^{the} Court was satisfied that things was on track the updates stopped, and it was back to old ways!

The Biopsy came back negative, which I don't believe. ^{letter to} Dr David Sussman sent a drafted 2 page hand written ~~to~~ Judge Karas dated 11/15/18, to that point I've not met him. He told the Judge in his letter BCG treatment will be administered. I don't trust Dr Sussman, I've spoken to him over the phone using a pseudonym telling him I've bladder cancer and in need of BCG therapy. His response "I've to leave a call back number and he will check other locations for its availability and get back to me."

From January 2019 to present March 12th 2020 Brooklyn Hospital urology and NYU Lagane Dr Danil Victor Makarov MD who they sent me ~~to~~ for a 2nd opinion, which all he did was read Dr Sussman's notes. They have recommended cystoscopy surveillance every 3 months so far. Napitcare as scheduled zero, every other visits to the urology 4/26/19, 10/24/19, 2/20/20 they have requested a cystoscopy NONE WAS scheduled.

5/26/2019, 10/24/2019 The urologist recommend a barium SWALLOW study NAPHCARE IGNORE BOTH REQUEST
4/20/2018 DR. Beaudouin requested a EGD TEST NOT DONE.

FROM THE DAY I GOT TO MCL THE UROLOGIST HAS recommend a Colonoscopy THEY MADE ONE TRY WHICH MCL BOTCH, BAD PREP, THIS WAS FEB 7TH 2019, THEY'VE REQUESTED A repeat TEST 13 MONTHS LATER NONE.
ALL FALL ON DEAF EAR.

The allegations made by PLAINTIFF can be ~~SE~~ SUBSTANTIATED WITH irrefutable proof OF THE defendants LIABILITY WITH Medical records WHICH WAS SENT TO defendants ATTORNEY Doreen Pufficy.

I'm NOT THE ONLY INMATE presently at M.C.C. WITH Similar Complaint, NAPHCARE IGNORES MOST FOLLOW up recommendations FROM outside specialist.

DURING my 1ST ENCOUNTER WITH DR Beaudouin April 18, 2018, AFTER hearing my medical problems, HE WAS Frank, M.C.C. WAS NO ideal FOR ME WITH my medical Problem. HE SHOULD HAVE TOLD THE MARSHALL'S TO return me back TO VALHALLA closer TO Mount Vernon Hospital.

THE reasons SET Forth IN THIS MOTION ARE overwhelming and irrefutable. I'm asking THE COURT TO Grant Summary Judgement, UNLESS THE COURT decide NAPHCARE HAS immunity For Their RECKLESS behavior

Respectfully yours

WILBERT TURNER 25352-083

3/12/2020

WILBERT TURNER 25352-083
150 PARK ROW MCL
NY NY
10007

USDA
SDNY

PRO SE CLERK
Judge R. Schofield
500 PEARL ST
NY NY
10007

10007-131555



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